

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

NASRULLAH CHAUDHRY, and his marital
community

Plaintiffs,

v.

WALMART, INC., a foreign for profit
company, and John Does 1-5,

Defendants.

Civil Action No. 20:20-cv-01251

DEFENDANT WALMART INC.'S NOTICE
OF REMOVAL OF ACTION PURSUANT
TO U.S.C. SECTIONS 1332, 1441, AND 1446

TO: CLERK, U.S. DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON

AND TO: PLAINTIFFS' COUNSEL OF RECORD

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant Walmart Inc. ("Walmart") hereby
removes this action from the Superior Court of the State of Washington in and for the County of
Snohomish to the United States District Court for the Western District of Washington.

I. STATEMENT AND GROUNDS FOR REMOVAL

1. On or about June 29, 2020, plaintiffs filed a lawsuit in Snohomish County Superior
Court entitled *Nasrullah Chaudhry v. Walmart, Inc.*, cause number 20-2-03444-31 (the "State Court
Action"). Plaintiffs served Walmart with a copy of the Summons and Complaint on July 20, 2020.
Plaintiffs claim that as a result of Walmart's negligence, Mr. Chaudhry has suffered injuries that are

DEFENDANT WALMART INC.'S NOTICE OF
REMOVAL OF ACTION PURSUANT TO U.S.C.
SECTIONS 1332, 1441, AND 1446 - 1

WOOD, SMITH, HENNING & BERMAN LLP
520 Pike Street, Suite 1525
Seattle, Washington 98101-4001
206-204-6800

1 permanent, painful and progressive, and that he has incurred, and may continue to incur, economic
2 and non-economic damages. Nasrullah Chaudhry's wife also asserts a claim for loss of consortium.
3 Therefore, the amount in controversy appears to be in excess of \$75,000. *Declaration of Colin J.*
4 *Troy* at ¶ 9.

5 2. Walmart has not yet answered the Complaint filed in the State Court Action. The
6 documents attached to the *Declaration of Colin J. Troy* as Exhibit A constitute all of the pleadings
7 filed in the State Court Action. Walmart represents that, apart from the materials attached to the
8 *Declaration of Colin J. Troy* as Exhibit A, it has received no other process, pleadings, motions or
9 orders in this action.

10 3. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §1332.
11 There is complete diversity of citizenship between the parties because plaintiffs are residents of
12 California. Exhibit A to *Declaration of Colin J. Troy*. Defendant Walmart is a Delaware
13 corporation with headquarters located in Bentonville, Arkansas. Exhibit C to *Declaration of Colin J.*
14 *Troy*.

15 4. Walmart reserves the right to amend or supplement this Notice of Removal.

16 5. Should plaintiffs file a motion to remand this case, Walmart respectfully requests the
17 opportunity to respond more fully in writing, including the submission of affidavits or other
18 authority.

19 6. By filing this *Notice of Removal*, Walmart does not waive, and expressly reserves, all
20 defenses available under Rule 12 of the Federal Rules of Civil Procedure.

21 II. INTRADISTRICT ASSIGNMENT

22 7. This claim is pending in the county of Snohomish, Washington, and assignment to a
23 judge in Seattle is appropriate.

24 III. NOTICE TO THE STATE COURT AND PROPER FILING OF RECORDS

25 8. A notice of the filing of this *Notice of Removal* and a true copy of this *Notice of*

1 *Removal* will be filed with the Clerk of the Superior Court of the State of Washington in and for the
2 County of Snohomish as required by 28 U.S.C. § 1446(d).

3 9. Copies of all records and proceeding in the state court together with the *Declaration*
4 *of Colin J. Troy* verifying that they are true and complete copies of all the records and proceedings in
5 the State Court Action are filed concurrently with this *Notice*.

6 WHEREFORE, Walmart requests that this case currently pending in the Superior Court be
7 placed on the docket of the United States District Court for the Western District of Washington.

8
9 DATED: August, 19, 2020

WOOD, SMITH, HENNING & BERMAN LLP

10
11 s/Colin J. Troy

12 Colin J. Troy, WSBA #46197

ctroy@wshblaw.com

13 Philip B. Grennan, WSBA #8127

pgrennan@wshblaw.com

14 520 Pike Street, Suite 1525

15 Seattle, Washington 98101-4001

16 Phone 206-204-6800

17 Attorneys for Walmart Inc.

CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2020, I electronically filed DEFENDANT WALMART, INC.'S NOTICE OF REMOVAL OF ACTION PURSUANT TO U.S.C. SECTIONS 1332, 1441 AND 1446 with the Clerk of the Court using the CM/ECF.

I hereby certify that the following have been served via CM/ECF electronic service:

ATTORNEY FOR PLAINTIFF

Mark O'Halloran
Gosanko & O'Halloran, PLLC
7900 SE 28th Street, Suite 500
Mercer Island, WA 98040
Email: mark@gosankolaw.com

☒ E-Mail
☒ USPS

DATED this 19th day of August, 2020.

/s/Keaton McKeague
Keaton McKeague
kmckeague@wshblaw.com

15270316.1:10366-0160